

86th Legislative Session – 2011

Committee: Senate Appropriations

Thursday, February 10, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Sutton
P Haverly
P Heineman
P Novstrup (Al)
P Peters
P Putnam
P Rampelberg
P Tidemann, Vice-Chair
P Brown, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman Corey Brown.

Vice-Chair Tidemann assumed the Chair.

SB 195: reiterate, by means of legislative findings, the constitutional relationship of the judicial and legislative branches to the appropriation and budgeting process.

Presented by: Senator Corey Brown

MOTION: TO TABLE SB 195

Moved by: Haverly
Second by: Peters
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Sutton, Haverly, Heineman, Novstrup (Al), Peters, Putnam, Rampelberg, Tidemann, Brown

SJR 1: Proposing and submitting to the electors at the next general election an amendment to Article V, section 11 of the Constitution of the State of South Dakota relating to the funding of the Unified Judicial System.

Presented by: Senator Corey Brown

MOTION: TO TABLE SJR 1

Moved by: Peters

Second by: Haverly

Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Sutton, Haverly, Heineman, Novstrup (Al), Peters, Putnam, Rampelberg, Tidemann, Brown

Chairman Brown assumed the Chair.

SB 168: revise certain provisions regarding certain state purchases of supplies and services.

Presented by: Senator Jeffrey Haverly

Proponents: Jeff Holden, Bureau of Administration
Monte Kramer, Board of Regents

MOTION: AMEND SB 168

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On page 1 of the printed bill, delete lines 3 to 11, inclusive, and insert:

" Section 1. That § 5-18A-22 be amended to read as follows:

5-18A-22. The provisions of this chapter and chapters 5-18B, 5-18C, and 5-18D do not apply to:

- (1) Any highway construction contract entered into by the Department of Transportation;
- (2) Any contract for the purchase of supplies from the United States or its agencies or any contract issued by the General Services Administration;
- (3) Any purchase of supplies or services, other than professional services, by purchasing agencies from any active contract that has been awarded by any government entity by competitive sealed bids or competitive sealed proposals or from any contract that was

competitively solicited and awarded within the previous twelve months;

- (4) Any equipment repair contract;
- (5) Any procurement of electric power, water, or natural gas; chemical and biological products; laboratory apparatus and appliances; published books, maps, periodicals and technical pamphlets; works of art for museum and public display; medical supplies; communications technologies, computer hardware and software, peripheral equipment, and related connectivity; tableware or perishable foods;
- (6) Any supplies, services, and professional services required for externally funded research projects at institutions under the control of the Board of Regents;
- (7) Any property or liability insurance or performance bonds, except that the actual procurement of any insurance or performance bonds by any department of the state government, state institution, and state agency shall be made under the supervision of the Bureau of Administration;
- (8) Any supplies needed by the Department of Human Services or prison industries for the manufacturing of products;
- (9) Any printing involving student activities, conducted by student organizations and paid for out of student fees, at institutions under the control of the Board of Regents. However, nothing in this subdivision exempts, from the requirements of this chapter and chapters 5-18B, 5-18C, and 5-18D, purchases that involve printing for other activities at institutions under the control of the Board of Regents;
- (10) Any purchase of surplus property from another purchasing agency;
- (11) Any animals purchased;
- (12) Any purchase by a school district of perishable food, raw materials used in construction or manufacture of products for resale, or for transportation of students;
- (13) Any authority authorized by chapters 1-16A, 1-16B, 1-16E, 1-16G, 1-16H, 5-12, or 11-11;
- (14) Any seeds, fertilizers, herbicides, pesticides, feeds, and supplies used in the operation of farms by institutions under the control of the Board of Regents;
- (15) Any purchase of supplies for any utility owned or operated by a municipality if the purchase does not exceed the limits established in § 5-18A-14; or

- (16) For political subdivisions, any contract for asbestos removal in emergency response actions and any contract for services provided by individuals or firms for consultants, audits, legal services, ambulance services, architectural services and engineering, insurance, real estate services, or auction services; or
- (17) Any purchase of supplies or services from a contract established through a Midwestern Higher Education Compact group purchasing program by a competitive sealed bid or a competitive sealed proposal."

On page 1, line 15, overstrike "State" and insert "Notwithstanding other provisions of chapter 5-18A or 5-18D, the Bureau of Administration may authorize state agencies and institutions to make".

On page 1, line 15, of the printed bill, delete "five" and insert "four".

On page 2, line 1, overstrike "shall be processed by".

On page 2, delete lines 2 and 3, and insert "~~made~~ by first obtaining".

On page 2, line 4, remove the overstrikes from "~~If three quotes cannot be obtained,~~".

On page 2, line 5, remove the overstrikes from "~~the Bureau of Administration~~".

On page 2, remove the overstrikes from lines 6 and 7.

On page 2, line 8, delete "five" and insert "four".

Moved by: Putnam
Second by: Tidemann
Action: Prevailed by voice vote.

MOTION: DO PASS SB 168 AS AMENDED

Moved by: Peters
Second by: Sutton
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Sutton, Haverly, Novstrup (Al), Peters, Putnam, Rampelberg, Tidemann, Brown

Excused: Heineman

SB 184: make appropriations from the water and environment fund, the water pollution control revolving fund subfund, and the drinking water revolving fund subfund for various water and environmental purposes, to revise the state water plan, and to declare an emergency.

Presented by: Nathan Sanderson, Governor's Office
Proponents: Steve Pirner, Department of Environment and Natural Resources (Handouts: No. 1)
Chad Huwe, City of Sioux Falls
John Beard, Southern Black Hills Water
Alec Boyce, self
Margo Northrup, SD Association of Rural Water Systems
Leo Holzlbauer, Lake Andes/Wagner
Angela Ehlers, SD Association of Conservation Districts

MOTION: DO PASS SB 184

Moved by: Putnam
Second by: Peters
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Sutton, Haverly, Novstrup (Al), Peters, Putnam, Rampelberg, Tidemann, Brown

Excused: Heineman

SB 185: revise the per student allocation for the state aid to general education formula.

Presented by: Jason Dilges, Bureau of Finance & Management
Opponents: Wayne Lueders, Associated School Boards of SD
Sandra Waltman, SD Education Association
Charlie Flowers, SD Coalition of Schools and Midsize Schools

THE CHAIR DEFERRED SB 185 UNTIL LATER DATE

SB 186: revise certain provisions related to distribution of funds to sparse school districts.

Presented by: Jim Terwilliger, Bureau of Finance and Management
Opponents: Charlie Flowers, SD Coalition of Schools and Midsize Schools
Wayne Lueders, Associated School Boards of SD

MOTION: DO PASS SB 186

Moved by: Tidemann
Second by: Rampelberg
Action: Prevailed by roll call vote. (7-1-1-0)

Voting Yes: Haverly, Heineman, Novstrup (Al), Putnam, Rampelberg, Tidemann, Brown

Voting No: Sutton

Excused: Peters

SB 187: revise certain provisions regarding the dairy inspection fund.

THE CHAIR DEFERRED SB 187 UNTIL LATER DATE

SB 188: revise certain provisions regarding the eligibility of National Guard members for certain graduate tuition reductions.

THE CHAIR DEFERRED SB 188 UNTIL LATER DATE

SB 189: revise certain budgetary provisions relating to certain funds received from the federal government.

Presented by: Jason Dilges, Bureau of Finance & Management

MOTION: DO PASS SB 189

Moved by: Tidemann
Second by: Haverly
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Sutton, Haverly, Heineman, Novstrup (Al), Putnam, Rampelberg, Tidemann, Brown

Excused: Peters

SB 191: repeal certain provisions providing for the sales tax on food refund program.

Presented by: Emily Ward, Bureau of Finance & Management
Opponents: Greg Boris, South Dakota Voices for Children
David Owen, SD Chamber of Commerce & Industry

Shawn Lyons, SD Retailers Association

THE CHAIR DEFERRED SB 191 UNTIL LATER DATE

SB 192: revise certain allocations for disabilities in the state aid for special education formula.

Presented by: Jim Terwilliger, Bureau of Finance and Management

MOTION: DO PASS SB 192

Moved by: Tidemann

Second by: Rampelberg

Action: Prevailed by roll call vote. (7-1-1-0)

Voting Yes: Haverly, Heineman, Novstrup (Al), Putnam, Rampelberg, Tidemann, Brown

Voting No: Sutton

Excused: Peters

MOTION: ADJOURN

Moved by: Haverly

Second by: Tidemann

Action: Prevailed by voice vote.

Barb Bjorneberg
Committee Secretary

Corey Brown, Chair